

EDC Overview

It is a commonly held perception that it takes an average of 13 years to deliver a major high-way project (from planning through completion). However, several opportunities exist in the current project delivery process where innovative approaches will improve project delivery times. Consequently, in the summer of 2010, Federal Highway Administrator Victor Mendez launched the Every Day Counts (EDC) Initiative. Specifically, this initiative is designed to identify and deploy innovation aimed at enhancing the safety of roadways and protecting the environment, while ultimately shortening the transportation project development process.

What are Flexibilities in Right-of-Way?

The Right-of-Way (ROW) process, including property acquisition and relocation assistance, is currently a major part of the Federal-aid highway project development. Significant time- and cost-savings can be achieved by employing flexibilities already provided for in statutes and the FHWA's regulations.

This initiative provides additional clarification of six areas in which the regulation appears underutilized or inconsistently applied. All flexibilities conform to FHWA regulations and can improve decisionmaking, streamline project delivery, and reduce costs. Transportation officials may use them as appropriate and consistent with State laws and regulations.

Contact Information

For training or more information on this Every Day Counts Initiative, please contact your local FHWA Divisions Office.

To learn more about EDC, visit:
<http://www.fhwa.dot.gov/everydaycounts>

About Every Day Counts

Every Day Counts is designed to identify and deploy innovation aimed at shortening project delivery, enhancing the safety of our roadway, and protecting the environment.



Flexibilities in Right-of-Way



U.S. Department
of Transportation
Federal Highway
Administration

What is Appraisal Waiver Valuation?

Appraisal waiver valuations are for acquisitions that are simple and non-complex, do not require an appraisal, and have adequate market data to support valuation estimates. Because an *appraisal waiver valuation* is not a formal appraisal, one can be prepared by a qualified ROW professional who knows the local real estate market.

As permitted by State law, waiver valuations can be used if appraisals are not required (when the valuation is uncomplicated and the estimated value is less than \$10,000. *This threshold may be raised to \$25,000.*) Waiver valuations let appraisers focus on complicated valuation assignments, minimizing the need to utilize fee appraisers.

What are Conflict of Interest Waivers?

Typically one person values the subject property while another negotiates property acquisition during the transportation project development process.

When a property's value is \$10,000 or less, Federal regulations allow the same person to appraise the property and negotiate for the acquisition of the property, provided the agency has statutory or regulatory authority to use a conflict of interest waiver.

Conflict of interest waivers help State departments of transportation (DOTs) cut costs and effectively utilize limited acquisition and appraisal staff.

What is Conditional ROW Certification?

If property that is needed for a transportation facility has not yet been acquired, if right-of-occupancy has not yet been obtained, and/or if displaced persons remain on the property, the agency cannot advertise the project. Hence, a conditional ROW certificate allows construction to proceed while the ROW and property are being acquired.

Conditional ROW certification helps State and local agencies streamline production by simultaneously acquiring ROWs and relocating displaced people. FHWA approval may be required.

Right-of-Entry for Federal Lands Transfers

Federal Land Transfers are the transfer of property, usually by highway easement deed, to a State DOT or local public agency by a Federal land management agency or by the FHWA on behalf of the agency.

Right-of-entry (ROE) is a right to enter and begin construction on property that must be acquired for a highway project. This ROE flexibility permits DOTs or local public agencies to start construction on Federal land immediately rather than waiting for the approval, execution, and recording of the highway deed.



U.S. 95 from Garwood to Sagle in Kootenai County, ID

What are Incentive Payments?

Incentive payments are intended to reward speedy completion and/or high quality standards. They are over and above the "just compensation offer" or "computed relocation benefits" provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

As State law allows, incentive payments can be used on a program or project basis. They reduce overall project time and costs by encouraging early settlement, minimizing litigation, and reducing associated project costs.

What is Functional Replacement of Real Property?

When the taking of a publicly owned facility (e.g., a school or a police or fire station) is needed for a highway project, the acquiring agency may opt for functional replacement of the real property to offset the loss of or adverse impact on essential public services. This alternative acquisition method allows an agency to pay the cost of erecting a replacement structure of similar function on another site. This practice may be used on Federal-aid projects in which a publicly owned facility must be acquired.

Functional replacement speeds project completion without disrupting public services. Project construction can proceed as soon as the publicly owned agency begins moving to the replacement site. This flexibility minimizes administrative, regulatory, and statutory delays.